



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**October 29, 2003**

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**SUBJECT:**           **2003-0735** – Bruce & Abigail Robinson [**Applicant**] Fred Hill [**Owner**]: Application for a 12,414 square foot site located at **700 South Bernardo Avenue** in a C-1/PD (Neighborhood Business/Planned Development) Zoning District (APN: 198-18-084):

Motion               Special Development Permit to allow a private school and a tutoring center.

**REPORT IN BRIEF**

**Existing Site Conditions**                   Office building with two tenant spaces

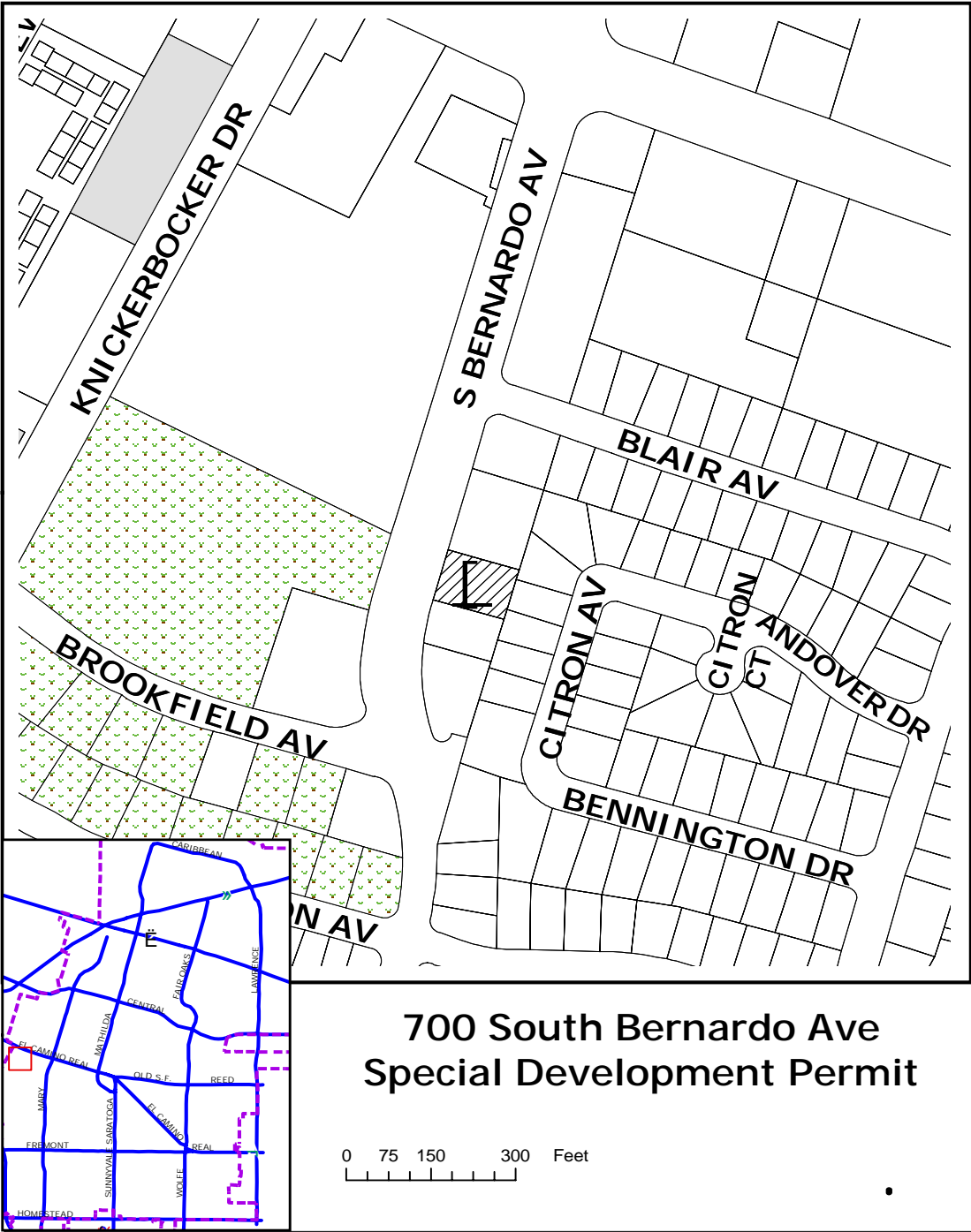
**Surrounding Land Uses**

North	Office and Retail
South	Retail and Auto Repair
East	Single Family Homes
West	Apartments, Medical Offices and Shopping Center

**Issues**                                       Parking

**Environmental Status**   A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**               Approve with Conditions



**PROJECT DATA TABLE**

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Commercial Neighborhood Shop	Same	N/A
<b>Zoning District</b>	C-1/PD	Same	N/A
<b>Lot Size (s.f.)</b>	12,414	Same	N/A
<b>Gross Floor Area (s.f.)</b>	Building 4,260 Project 2,100	Same	N/A
<b>Lot Coverage (%)</b>	34.3%	Same	35% max.
<b>Floor Area Ratio (FAR)</b>	34.3%	Same	N/A
<b>No. of Units</b>	2	Same	N/A
<b>No. of Buildings On-Site</b>	1	Same	N/A
<b>Building Height (ft.)</b>	15 ft.	Same	40 ft. max.
<b>No. of Stories</b>	1	Same	2 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	83 ft.	Same	70 ft. min.
• <b>Left Side</b>	5 ft.	Same	0 ft. min.
• <b>Right Side</b>	5 ft.	Same	0 ft. min.
• <b>Rear</b>	10 ft.	Same	10 ft. min.
<b>Landscaping (sq. ft.)</b>			
★ • <b>Total Landscaping</b>	1688 sq. ft.	Same	2,482 sq. ft. min.
★ • <b>Frontage Width (ft.)</b>	8'-8"	Same	15 ft. min.
• <b>Buffer (ft.) Adj. Residential</b>	10 ft.	Same	10 ft. min.
• <b>% Based on Parking Lot</b>	26%	Same	20% min. (1,285 sq. ft.)
★ • <b>% Based on Lot</b>	13.5%	Same	20% of Lot min.

<b>Parking</b>			
• <b>Total No. of Spaces</b>	20 (site total)	20	20 min.
• <b>No. of Standards</b>	19 (site total)	19	17 min.
• <b>No. of Compacts / % of total</b>	0	0	2 max./10% of total
• <b>No. of Accessible</b>	1	1	1 min.
• <b>Driveway Aisle Width (ft.)</b>	26 ft.	26 ft.	20 ft. min.

★ Starred and shaded items represent deviations from Zoning Code.

## **ANALYSIS**

### **Background**

**Previous Actions on the Site:** The existing building was constructed in 1978. There is no record of a Use Permit for the building. In 1979, as part of a multiple site rezoning, the site was Rezoned from multifamily residential to C-1/PD.

The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
1979-0436	Rezone from multifamily residential to C-1/PD	City Council/Approved	8/7/79

### **Description of Proposed Project**

The proposed project is a private school and tutoring service for students in grades 6 through 12 that would occupy a 2,100 square foot tenant space in an existing 4,260 square foot office building. The proposed hours of operation are Monday through Friday from 8:00 a.m. - 9:00 p.m. and weekends from 9:00 a.m. - 3:00 p.m.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

**Special Development Permit**

**Use:** The proposed use is a private school and tutoring service for students with special abilities and learning disabilities. The hours of operation would be as follows: Monday through Friday classes from 8:00 a.m. – 2:00 p.m. and tutoring from 2:00 p.m.- 9:00 p.m., and Saturday and Sunday tutoring by appointment from 9:00 a.m. – 3:00 p.m. The applicant estimates that there would be a maximum of 30 students, 8 teachers, 15 part-time tutors and one administrative employee when the school is operating at full capacity. The maximum class size would be 10 students, and each class would be 50 minutes in duration. Tutoring appointments would typically be one hour in duration.

The applicant has not provided specific information regarding the maximum number of occupants expected in the school at any one time due to difficulty projecting what that number would be. In order to evaluate parking, staff therefore assumes that a maximum of 30 students and 9 employees (8 teachers and one administrative employee) could occupy the facility at any given time.

Although the site has sufficient parking to support the proposed use per the specified parking ratio in SMC Section 19.46, staff is concerned that there will be a parking deficiency on weekdays. The adjacent tenant is entitled to 12 spaces, most of which are occupied during the day based on three separate site visits by staff. Technically, the proposed use requires only 8 spaces (see parking analysis below in the **Parking** section of this report). However, if 8 teachers, one administrative employee and 30 students occupy the facility at any given time, it is expected that the employees will consume most of the allotted parking, leaving no parking for parents waiting for students or students who drive themselves. As noted below in the **Parking** section of this report, staff is recommending Conditions of Approval #4 and #5 to prevent a parking deficiency on weekdays from 8:00 a.m. – 5:00 p.m.

**Site Layout:** The building is located between a retail/office shopping center (north) and a retail shop (south). Single family homes are located to the rear of the site and are separated from the building with a 10-foot buffer. Parking is located in front. Landscaping is located at the front of the site and around the perimeter of the building.

The floor plan includes one large classroom (955 sq. ft.) that will have a flexible seating arrangement, a library, computer area, lounge, waiting area, one office, one storage room and two restrooms (see Attachment 3).

**Architecture:** There are no proposed exterior modifications to the building.

**Landscaping:** The existing percentage of landscaping on the lot is 13.5%, which is less than the required 20% per SMC Section 19.38.070. This is a legal nonconforming condition that could not be improved with the proposed project due to parking constraints (discussed below).

**Parking/Circulation:** There is one entrance/exit to the site that is shared with the adjacent shopping center. The site currently has a total of 20 parking spaces including one accessible parking space. The accessible parking space currently has no striped loading area.

There is a real estate office in the occupied tenant space which requires 12 parking spaces (see parking analysis below). The hours of operation for the real estate office are Monday through Friday from 9:00 a.m. – 5:00 p.m. This leaves only 8 spaces for the proposed school/tutoring service during the day on weekdays. Due to a concern with limited availability of parking during these hours as discussed above, staff is recommending Condition of Approval #4 that limits the maximum number of occupants to 15 Monday through Friday from 8:00 a.m.–5:00 p.m. and Condition of Approval #5 requiring that classes not overlap and that there be at least a 15 minute break between classes to allow student pickup and drop-off.

In discussions with the applicant, staff recommended that a parking agreement with a neighboring property be obtained to avoid daytime occupancy restrictions, but the applicant did not wish to pursue this option at this time.

### **Parking Analysis:**

Per SMC Section 19.46, a parking ratio of 1 space per 4 students should be applied to a school for grades 9-12. The parking ratio for grades K-8 is 3 spaces per classroom. Because the floor plan shows only one classroom and the arrival and departure patterns of the students are expected to be the same regardless of grade, the parking ratio for grades K-8 was not applied. With a maximum of 30 students, 8 parking spaces are required when applying the parking ratio for grades 9-12.

Use and Sq. Ft.	Parking Ratio	Hours of Operation	Parking Calculation
Real Estate Office 2,160 sq. ft.	1 space/180 sq. ft.	M-F, 9:00 a.m.– 5:00 p.m.	$2,160/180 = 12$
School/Tutoring Service 2,100 sq. ft.	1 space/4 students	School: M-F, 8:00 a.m.– 2:00 p.m.  Tutoring: M-F, 2:00 p.m.– 9:00p.m., Sat. & Sun., 9:00 a.m.– 3:00 p.m.	$30/4 = 7.5 = 8$

**Total Required Spaces = 20**

### **Compliance with Development Standards**

With the exception of legal nonconforming landscaping, the project complies with all applicable development standards.

### **Expected Impact on the Surroundings**

With the recommended parking restriction, no significant impact on surrounding properties is expected.

### **Findings, General Plan Goals and Conditions of Approval**

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

No fiscal impacts other than normal fees and taxes are expected.

**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

No public correspondence was received for this project.

**Alternatives**

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1. Approve the Special Development Permit with the Conditions of Approval shown in Attachment 2.
2. Approve the Special Development Permit with modified conditions.
3. Deny the Special Development Permit.

**Recommendation**

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Alternative 1.



Prepared by:

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Christine Cannizzo  
Project Planner

Reviewed by:

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Gerri Caruso  
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans

## **Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

### Land Use and Transportation Element:

Policy N1.14: Support the provision of a full spectrum of public and quasi-public services that are appropriately located in residential, commercial, and industrial neighborhoods and ensure that they have beneficial effects on the surrounding area.

The proposed project is appropriately located in a commercial zone and provides a valuable educational service to the community.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair the orderly development of, or the existing uses being made of, adjacent properties.

With the recommended parking restriction, no significant impact on surrounding properties is expected.

### **Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable Federal, State and local rules and regulations, including the Sunnyvale Municipal Code the permittee expressly accepts and agrees to comply with the following conditions of approval for this permit.

1. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to expiration date.
2. This Special Development Permit is valid only in accordance with the approved plans. Major modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing. Minor modifications shall be approved by the Director of Community Development.
3. Reproduce the conditions of approval on plans submitted for building permits.
4. No more than 12 students and 3 employees may occupy the building at any one time Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. Modifications to this restriction shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing.
5. Only one class may operate at a time Monday through Friday from 8:00 a.m.-5:00 p.m., and there must be at least 15 minutes between classes to allow parents to pick up and drop off students.
6. Provide one bicycle rack on the site.
7. Obtain a Miscellaneous Plan Permit for signage.